

## **REMARKS**

Please reconsider the application in view of following remarks. Applicant thanks the Examiner for indicating that claims 34-38 are allowed.

### **Disposition of Claims**

Claims 8-9, 13, 15-16, 23-24, 28, 30, 31, and 34-38 are pending in this application. Claims 8, 23, and 34 are independent. The remaining claims are dependent, directly or indirectly, on claims 8, 23, and 34. Claims 34 - 38 stand allowed.

### **Rejection(s) under 35 U.S.C. § 103**

Independent claim 8 stands rejected as obvious over U.S. Patent 6,026,837 (hereinafter *Chen*) in view of U.S. Patent 4,962,666 (hereinafter *Adney*). This rejection is respectfully traversed.

Examiner notes that *Chen* discloses a system having physical components similar to those disclosed in Applicant's applications, including, among other components, a tank, an inlet port, an outlet port, a top, a bottom, a level sensor, an upper limit switch, and a lower limit switch. However, the way in which the components are arranged is patentably distinct. *Chen* describes a system having a tank with an outlet valve controlled based on the level in the tank. In contrast, the invention as recited in claim 8 exhibits a tank having an inlet valve controlled based on the level in the tank. By changing the position of the controlled valve in the system, Applicant has invented a novel apparatus for precisely measuring flow. *Chen* discloses an automated draining system that is not capable of acting as a device for measuring liquid flow due to the fact that the inlet to the tank whose level is being monitored is not controlled by a valve. Thus, the total volume passing through the first tank in the series in *Chen* cannot be discerned.

Applicant's apparatus, in contrast, employs a known volume tank equipped with a level sensor and a controlled inlet valve and is capable of precisely measuring flow. Thus, while Applicant's invention uses similar physical components to those disclosed in *Chen*, those components are arranged in considerably different manners to achieve considerably different results. The system described in *Chen* is incapable of acting as a flow measuring apparatus as claimed in the present invention, and does not teach or suggest such a set-up or use.

Further, *Adney* does not show that which *Chen* lacks. *Adney* describes a mass flowmeter the uses precise pressure measurements to determine liquid flowrates. In view of the above, *Chen* and *Adney*, whether considered separately or in combination, fail to show or suggest the present invention as recited in independent claim 8. Thus, independent claim 8 is patentable over *Chen* and *Adney*. Dependent claim 9 is allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Dependent claims 13, 15, and 16 stand rejected as obvious over *Chen* in view of *Adney*, in further view of U.S. Patent 5,209,301 (hereinafter *Ayers*). This rejection is respectfully traversed. As discussed above, *Chen* fails to disclose or suggest the novel configuration recited in independent claim 8, from which claims 13, 15, and 16 depend. For reasons similar to those stated above, *Chen* fails to disclose or suggest the novel configuration recited in dependent claims 13, 15, and 16. Further, *Adney* and *Ayers* also fail to disclose that which *Chen* lacks with respect to dependent claims 13, 15, and 16. *Adney* discloses a mass flowmeter the uses precise pressure measurements to determine liquid flowrates. *Ayers* discloses a multiple phase chemical injection system using pressurized gas. Therefore dependent claims 13, 15, and 16 are

patentable over *Chen*, *Adney*, and *Ayers*. Accordingly, withdrawal of these rejections is respectfully requested.

Independent claim 23 stands rejected as obvious over *Chen* in view of *Ayers* and U.S. Patent 5,182,952 (hereinafter *Pyzik*) and further in view of *Adney*. This rejection is respectfully traversed.

As discussed above, *Chen* fails to disclose or suggest the novel configuration recited in independent claim 8. For reasons similar to those stated above, *Chen* fails to disclose or suggest the novel configuration recited in independent claim 23. Further, *Ayers*, *Pyzik*, and *Adney* also fail to disclose that which *Chen* lacks with respect to claim 23. *Ayers* discloses a multiple phase chemical injection system using pressurized gas. *Adney* discloses a mass flowmeter that uses precise pressure measurements to determine liquid flowrates. *Pyzik* discloses a paddlewheel flowmeter assembly. Therefore independent claim 23 is patentable over *Chen*, *Ayers*, *Adney*, and *Pyzik*. Dependent claims 24, 28, 30, and 31 are allowable for at least the same reasons. Accordingly, withdrawal of these rejections is respectfully requested.

**SUMMARY**

Applicant believes this reply to be fully responsive to all outstanding issues and place this application in condition for allowance. If this belief is incorrect, or other issues arise, do not hesitate to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Baker Botts L.L.P. Deposit Account No. 02-0383, (*formerly Baker & Botts, L.L.P.*) Order Number 069620.0101.

Respectfully submitted,

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Date: Sept. 4, 2003